

**Salem Conservation Commission  
Minutes of Meeting**

**Date and Time:** Thursday, December 13, 2018, 6:30 p.m.  
**Meeting Location:** Large Conference Room, City Hall Annex, 98 Washington Street  
**Members Present:** Chair Gregory St. Louis, Dan Ricciarelli, Gail Kubik, Scott Sheehan, Bart Hoskins, Tyler Glode  
**Members Absent:** Gail Kubik  
**Others Present:** Ashley Green, Conservation Agent  
**Recorder:** Stacy Kilb

Chair Gregory St. Louis calls the meeting to order at 6:30PM.

**I. ROLL CALL**

**II. REGULAR AGENDA**

- A. 283-285 Derby Street (DEP #64-659) – Public Hearing - Notice of Intent for Maura Murphy, South Harbor Holdings, LLC, P.O. Box 829, Salem, MA 01970. Purpose of hearing is to discuss the proposed construction of a pile-supported Harborwalk, seawall repairs, grading to create an outdoor dining area, and catch basin retrofits along the South River fronting 283 and 285 Derby Street (Map 34, Lot 0443) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Susan St. Pierre introduces the team and presents the project. The Harborwalk and its construction are described; the City prefers a 20' wide harbor walk, but that is not possible at this location, so it will be 10' wide. 48 timber piles will be installed to support the harbor walk; the existing condition is granite seawall, and the dilapidated timber piles in front of that will be removed. This is Land Subject to Coastal Storm Flowage (LSCSF) and within riverfront area. There will be 16' sf of disturbance all told. Riverfront area and other resource areas are described.

Each alley way has 2 abandoned / nonfunctional catch basins that will be retrofitted. All pile work will be done from land but a small working barge will be needed on occasion. They can't begin work until a Chapter 91 License has been received, but hopefully this will be issued by late spring.

Chair St. Louis asks about a future easement on City property. All storefronts would be off of 20' easements on the park side rather than in the alley. The Applicant would need an amendment if that happens but did not include this in the plans as they do not yet have control of that. It will be a competitive bid, though. The current park design was coordinated with the City so the Applicant could fit in this walkway; the City is doing minimal improvements there. Potential use of the City-owned area has been discussed. The City Council transferred that 20' to the Salem Redevelopment Authority (SRA) to put out to bid to negotiate an easement for the walkway to reorient the space toward the park at 289 Derby St.

Other than being only 10' wide, the harbor walk will be built to City standards. Sheehan asks about deed restrictions and the Chapter 91 license. The biergarten owner (Notch) initially did not realize Ch. 91 was required. It is being sought to authorize the building because prior to 1984, authorization was not needed. Buildings are requested along with facilities of public accommodation so they don't have to go through the process with each change of tenants.

Sheehan asks about bringing the walkway closer to the properties but there is not enough clearance. The outdoor biergarten has been successful so the City was willing to allow a cantilever. This can be a successful argument before Ch. 91. Chapter 91 regulations development is discussed. Cities may create regulations that differ from Chapter 91, as long as the intention is met.

The Chair does not see 289 or 281 included in the notification of abutters. There is a ramp on 281 and the property across the water was not notified either, but should be. Ms. St. Pierre will check into this and notify the City of Salem and National Grid if not done. Piles currently there used to be fenders for huge ships. A pier going down to park property was recently permitted, notes Sheehan. They may need to coordinate.

Chair St. Louis does not have a preference re removing piles as it may be preferable to not disturb what's underneath, plus the seawall is in poor shape. But they may be in the way of piles they are putting in. The Applicant plans to leave them unless they are in the way. They would be cut at the mud line.

Sheehan asks if there are any contingencies. The City is requiring them to put in the harbor walk, so an easement will be needed but the harbor walk will proceed regardless of the easement being granted. It is required because they are changing things.

The Chair requests ADA access where the bollard is being placed. There will be something to prevent vehicles but will be compliant. The "cantilever" is discussed. The stability of the seawall is questionable. The Harborwalk across the way is shown, as is the location of the two ramps onto this harbor walk. The Division of Marine Fisheries had no comments on this or the MEPA process; only one about temporary impacts. Chair St. Louis wonders if they need to re-notify; if so the Commission should keep this item open and vote at the next meeting.

Ms. St. Pierre has the certified list but knows she did not notify those across the river. Across the river must be notified even if it is the same owner. This extends public comment period; while the Commission can close the item, anyone objecting would have standing to appeal for 60 days instead of 21. Logistics are discussed.

Chair St. Louis opens to the public but there are no comments.

*A motion to close the public hearing is made by Sheehan, seconded by Hoskins and passes with all in favor.*

*A motion to issue an Order of Conditions with standard conditions is made by Ricciarelli, seconded by Sheehan, and passes with all in favor.*

*Conditions/exceptions:*

*Applicant is provided relief from the requirement that staging be 90' away*

*It is requested that the Applicant clean up the waterway in the area of their project. The contractor hired may do this*

- B. 45 Traders Way and 40 First Street (DEP #64-655) - Continuation of Public Hearing—  
Notice of Intent for Peter Lutts/Pavel Espinal, 27 Congress St, Suite 414, Salem MA.  
Purpose of hearing is to discuss the proposed construction of a clubhouse with pool, patio and recreation area along with six (6) apartment buildings, two (2) of which will have first floor retail space, eight (8) parking garages, surface parking, landscaping, walkways, utility installation, and stormwater management systems at 45 TRADERS WAY and 40 FIRST STREET (Map 08, Lot 159; Map 13, Lot 0011) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection &**

## Conservation Ordinance.

Attorney Scott Grover represents the Applicant. Also present are:  
Rich Williams, Civil Engineer, Williams & Sparages  
Peter Lutts, owner  
Peter Blais Dell, Williams & Sparages

Ricciarelli is recused for this item.

The Chair comments that the City has received the Applicant's response to comments. Under discussion at the previous meeting was the location of the dog park, which has now been moved outside the 100' buffer zone.

Chair St. Louis approves of all responses except ensuring that the volume below the outlet properly infiltrates. Some suggestions were made to which the Applicant is amenable, for example, providing certification they are in accordance with the Plan and having oversight, not creating bathtubs under the outlet. They could also install a manhole to maintain the system. The Chair approves of the manhole idea. All outlets from the system will be provided with a manhole, with a plan to be provided before construction as a condition.

There are no other outstanding commission comments, but some noticed that on an abutting property, the outlet from retaining wall to the north has no water quality control structure and some sludge/rotting material is coming out of it. Rectification of this issue can't be conditioned, but it may be worthwhile to contact that property owner, and if they see anything have them notify the City so the City can resolve the issue.

Correspondence from City Councilor Lisa Peterson, Ward 3, on Dec. 13 is read into the record.

- Outlines cooperation of developers re neighborhood meetings and what was covered at those meetings
- Concerns:
  - Proximity of parking lots to wetlands and impact of runoff to wetlands. 3<sup>rd</sup> party review is requested along with possible alternatives
  - Long term negative impacts upon remaining natural environment and habitat
  - Current litter problems are cited; more regular site cleanup is necessary, especially with wetlands. Additional street sweeping should be required as well

Rich Williams responds. Buildings were originally separated from street by parking and buildings on the wetland, however the Planning Board wanted the buildings against the street, so they cannot go back and change the Plans and still have Planning Board approval. Street sweeping is minimum, but will be professionally managed by a company that manages 17,000 units, whose sites are well maintained, and will be cleaned if dirty. Sheehan asks how often the City sweeps streets; David Perry, Trustee representing the condominiums, notes that the City sweeps one to two times a year, and that debris cleaning/shopping cart removal is on a volunteer basis.

Peer review was completed through the Planning Board process. This Commission has issued comments to the Applicant, and proprietary separators are planned for VOC separation prior to discharge. Planning Board approval has been obtained. One comment was to improve the existing outfalls and CCTV them, and the Applicant have agreed to this. Level spreaders or other scour protection at outfalls will be installed if the City would like. One drains from the project site, and one from the street into the wetland across the street.

Laura De la Flor of 18 Aurora Lane:

- Asks about the 3<sup>rd</sup> peer review letter; this can be obtained from the Planning Dept.
- Asks about a drain manhole on First St. that is not connected and full of sediment; a condition of

approval is that it gets cleaned out, but this is typically a City maintenance item. It is only associated because there is a main drain in the street that they think connects but it is not coming from the Applicant's site, however they will clean it nonetheless

- Outfall North of property, what impacts will happen as result of outfall from this project?
  - Reinforced concrete pipe discharging to North, outlet not found. Condition in place to uncover and put up to grade if it is there.
- Capacity analysis will be provided that the system can handle stormwater runoff; it has been done and is publicly available through the Conservation office
- Drainage alteration permit from City – everything in those letters was addressed through the Planning Board process
- Blasting – pre and post constructions surveys? Mr. Williams notes MA law requiring pre and post surveys, overseen by Fire Dept., etc.

It is noted that there was blasting over in another area, with blasts occurring 10 minutes apart with a Fire Department detail present.

Debbie Tucker of 35 First St.:

- Concerned about trash currently strewn about the property; Fafard Real Estate is the current owner but Conservation Commission approval is needed prior to closing, which is scheduled for Dec. 28. The current Applicant can clean up the property after that point
- She is concerned about the location of the dog park; it has been moved to a different location on the site. Dog park will be further First St. and the Chair comments it is only 20x40' so not large
- She asks how abutters are notified of changes and this is reviewed. There is no way to track a particular project other than looking at the Agendas for each Board they come before. Public notice in the Salem News is not required unless an amendment is needed due to substantive changes.

Linda Ferraresso of 67 Aurora Lane, Sanctuary Condos:

- Notification of abutters; no one from her condos or Green Dolphin were notified. This is a Trustee Organization, with 4 Condo complexes containing 500 homes. Chair St. Louis notes that the WPA had previously asked that Applicant pull green cards, but did away with that activity several years ago; if a trustee organization exists, all units may fall under one notification, based on distance from the project. This application requires typical WPA notification of 100', while the Planning Board requires notification of abutters within 300'. Thus, some neighbors may get PB but not CC notification. Also a City property falls between these two properties.
- Ms. Ferraresso still feels that notification would be a neighborly courtesy. Mr. Williams states that the advertisement in paper is run twice
- She asks about the extent of the project into the buffer zone; it extends 80-90' in. The Commission asked the Applicant to pull back the fence line to preserve a natural area; this is being done
- She asks about stormwater management and the requirement 80% TSS(Total Suspended Solids) removal. Mr. Williams explains that all runoff has suspended solids whether it comes from the woods or pavement, so the 80% threshold mimics what goes on in the natural environment and does not increase sedimentation of the wetland
- She is concerned about flooding
- Notes that a habitat survey was not done, as no wildlife inhabiting other than transient wildlife? There is no endangered/critical wildlife on the site

David Perry, 92 Cavendish Circle

- Asks if maintenance forms must they be kept on site, and if they are recommendations or mandatory. Mr. Williams explains that the Applicant must file a NPDES permit prior to construction. For the

stormwater prevention plan, a manual must be created, and kept onsite in both the contractors and Applicant's office so that the contractor can implement inspection practices. Reports done as specified, technical and EPA permit, and the Applicant can monitor per ½" rain event or every 7 days. Monitoring does not continue after construction but the engineering permit re drainage may be different. O & M plan gets passed on to the management company and becomes part of the property. It is a perpetual condition; if it doesn't look right, the Planning Board permit requires that it happen, and the Applicant would be in violation and the Commission/DEP/EPA Engineering office can do site inspections at its leisure. The Conservation Agent would handle inspections for this Commission.

- Snow storage areas are described

Debbie Tucker, First Street

- Asks whose responsibility it is to address flooding at the corner of Traders Way and First St. The City may have requested that the Applicant clean the City structures so after that, there should be improvements. Mr. states that they have not been asked to clean them, but catch basins are full of sediment, so the Applicant has asked people to notify the DPW, as these are public streets
- As part of erosion/sediment control, silt sacks will be used. The Applicant is preventing additional sediment from going into drainage inlet structures but DPW has to address the current issues

David Perry is also concerned about construction vehicles going into and out of the entrance on First St. with proximity to wetlands, and also about the additional 400-800 cars polluting the sidewalk/conservation area. The Applicant clarifies there will be two entrances and describes them. The construction period entrance will have a tracking pad and silt fence will be provided, as part of SWIP inspections/NPDES inspections.

Linda Ferraresso of 67 Aurora asks what a Certificate of Compliance is [regarding the item following this one]. It is explained that there was an NOI (Notice of Intent) issued for this property many years ago, unrelated to this project, but the work did not commence, so a Certificate of Compliance saying that no work proceeded is required to close out the title.

Bill Blaskovich of Mariner's Village complex, 8 Mariners Lane:

- Feels the City should notify abutters as people do not read newspapers.
- Concerned about losing conservation land

Cyndy Anselmo, Cloister Condominiums, states that she notified all 44 residents of these hearings, and that she was notified by Scott Grover. Regarding the runoff issue with the culvert, this will impact First St. She spoke to the developer, and hopes it will improve the area and that it will benefit other condos as well.

*A motion to close the public hearing is made by Sheehan, seconded by Hoskins, and passes 5-0 with Ricciarelli recused.*

Hoskins asks about how notices are sent, and whether this is required by the Ordinance. He wonders if the Commission should consider having the notification area expanded for any development over a certain size, and how to use the office as a point of contact. This Applicant followed WPA requirements re notifications; The Commission has discussed adding more to the local bylaw, and the Chair did mention ideas so the Commission does have that ability to modify those items. Glode comments that e-notifications could also be used directly through a GIS system. The abutter list is generated via GIS, but condos may get lost in translation if the manager did not receive the notification.

The Commission is in favor of revised dog park location. Street sweeping schedules are further discussed; there are incentives for monthly street sweeping, but using a storm sceptor gets the same result and is less

expensive.

Chair St. Louis requests that like comments and Applicant responses be attached to the minutes and filing.

*A motion to issue the Order of Conditions with standard conditions plus the conditions established in the December 4, 2018 letter from Richard Williams to the Conservation Commission, in response to questions and feedback by Gregory St. Louis, is made by Glode, seconded by Hoskins, and passes 5-0, with Ricciarelli recused*

- C. 16, 18, and 20R Franklin Street (DEP #64-660) – Public Hearing - Notice of Intent for Juniper Point Investment Co, LLC, 63 Federal Street, Salem, MA 01970. Purpose of hearing is to discuss the proposed construction of a 42-unit residential condominium development, including two townhouse-style buildings and three garden-style buildings with associated parking, landscaping and utilities, site remediation, shoreline cleanup and stabilization, complete removal of junk materials, and construction of a public access walkway along the North River, at 16, 18, and 20R Franklin Street, the former site of the Ferris Junkyard (Map 26, Lots 400, 401, and 402) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Bob Griffin, Griffin Engineering, presents:

- Planning Board has approved this project
- Zoning Board has also approved this project
- Additional permitting such as MEPA and Chapter 91 are required but in progress
- Current conditions aerial photo
- Project Site aerial view
- Junkyard views
- Soil storage onsite is briefly discussed; pile is stabilized and vegetated, will be used either on this site or 9 South Mason
- Shoreline view towards train station and looking northeast; shoreline will be cleaned up. No surface discharge from junkyard to River
- 1897 Atlas view; park and site are in filled tidelands
- Existing conditions plan; no buildings allowed within 100' of coastal bank. Chapter 91 line is outlined; most of site is in Chapter 91 jurisdiction. Entire property is within a flood zone and thus, jurisdictional
- Remediation areas (Bruce Poole); an Activity and Use limitation will be put in place
- Proposed layout
  - Buildings have parking spaces underneath.
  - Franklin St. improvements are described. All buildings are set back from 100' coastal bank, leaving a large (~1 acre) green space along the North River, including a 10' stone dust pathway along the perimeter, which may eventually connect with the pathway in Furlong Park, and if additional development occurs, on the other side.
  - Landscaping plan has been provided as well
  - Woonerf concept is described; this is a pedestrian friendly area
  - Dumpsters are inside the buildings
  - Snow storage areas are described
  - NE Civil Engineering was engaged for peer review of plans and traffic
- Walkway along parking lot is publicly accessible, with no restrictions to water walkway, nothing between buildings and the river, just around both sides of the property. There was discussion in planning board re public access walkway along property line, but ultimately it was decided to put it

between the parking and buildings. All parking on site is private but pedestrians could park along Franklin St. and Furlong Park.

- Land in dispute to the north has not been resolved, however the Ferrises have used it since 1950's. The title will be cleared by the Applicant
- Street view renderings
  - Chair comments that scuppers or chained garage doors have been required in flood plain in past decisions
- Flood Map
- Proposed Grading and Drainage Plan. All parking spaces are above flood elevation of 10; living spaces are above those
- Limits of Site Above Flood Waters (note than Franklin St. will be under 3' of water until tide goes out). As of now, site would flood as does rest of neighborhood. Where does water trapped on Franklin St. go? Existing municipal drain or overland through Furlong Park; berm constructed by Ferrises keeps water on the site, water that came from park, not over berm. Applicant is giving the City an easement for the drain line
  - Stormwater - site will not be tied into City's drain line except for one instance
  - Their system will meet all Stormwater management standards except for recharge due to contamination on the site
  - Stormwater treatment and discharge are described
  - For DEP clarification: this area is tidal (Chair comment)
- Furlong Park vs. junkyard shoreline; will do something similar at junkyard. Hoskins comments that tidal action may remove land behind the rocks and create sinkholes. He suggests perhaps a simulated salt marsh condition to be more successful than Furlong Park. However this is a hardened shoreline; if a soft marsh type shoreline, coastal beach would have to be covered, a significant wetland impact. They don't want to dig into contaminated areas, so riprap was chosen. Erosion protection will be provided through the materials and a gradual change in gradation. There is no subsidence at Furlong Park; the only thing missing is growth
- Public stone dust path examples; City could make it a paved bike path if desired in the future
- Proposed Landscape Plan; Mr. Griffin feels this is more sheltered than Collins Cove but is unsure of the differences (the walkway there was being undermined and slope of beach was shallow). Mr. Griffin feels there is no real velocity or wave action in the area of this project
- Landscape Example
- Granite benches will be installed to discourage vagrants

Chair Anderson asks if peer review comments have been received; they are in the Planning Board files. The Chair would like to see those. There are oil separators and MDC traps tying into the sewer line in the larger garages. Glode asks about a bituminous area; it is intended for short term parking of delivery vans, etc. There is no commercial/retail proposed here, only residential. Sheehan asks about the height of king tides, and if it affects this property in that ocean water could go to the sewage treatment plant. However, parking is 3-4' above a king tide. Elevations are discussed. Chair St. Louis mentions that in other cases gate valves have been used, but in this case it is higher. Ricciarelli comments that king tides only come up to 9.8 so it should not be a problem. Glode comments that the FEMA maps are conservative. Storm surges are discussed. The Commission feels that this is a significant improvement over the present junkyard.

All sewer covers outside of the street are within the higher elevation, until it ties into the City Sewer in the street.

Hoskins observes that brackish water will inundate parts of the property and will kill some of the plants proposed. However, the Planning Board has thoroughly vetted all plantings. Glode feels that soils can be an

issue as well. Hoskins notes that the salt marsh plants on Commercial St. are doing well. Mr. Griffin will take these comments back to the Landscape Architect. Ricciarelli asks if maintenance of the vegetation is part of the Chapter 91 license; this is unclear but it is part of the Planning Board approval.

Chair St. Louis notes that the disputed area may mean that they need to provide additional notification to abutters, however Furlong Park being next door means that additional abutters would not be picked up.

Comments have been emailed to the Commission from Arthur Sharp of 29 Orchard St. regarding ownership of the land; the project is all privately financed and they are going to MEPA, triggered by Chapter 91 so an Environmental Impact Review (EIR) is required. Chair St. Louis comments that this may result in amending the application.

Glode asks about the Planning Board maintenance requirements. A planting plan and maintenance are required. There will be a condo association of 42 units and it is in its owner's interest to keep the property in good condition.

The Chair notes a letter received from Judy French, of 16 Foster St., regarding MEPA, and raising the site outside of the flood plain. She is requesting peer review, but this occurred via the planning Board.

Chair St. Louis asks if an alternatives analysis was done. It was not; since site is degraded it was not required. No action would mean that the junkyard remains with all its current contamination; commercial uses would have a lower threshold as well. This is zoned NRCC. All remediation work must be done under an LSP (Licensed Site Professional) but the most significant item is the removal of the soil in the two areas noted. The exact amount can't be recalled but will be provided. Groundwater remediation is not required but junkyard activity would be reflected in the groundwater table.

Anne Sterling of 29 Orchard St.:

- Disputed strip is zoned RC; 25% of lot is disputed by Beth Rennard City of Salem. Parkland cannot be taken by adverse possession
- Photos of Furlong Park Little League Field, flooded, taken March 2018; concerned that raising lot will adversely affect Furlong Park
- Notes that the Design Review Board did not approve this project (Clerk's note: see Planning Board minutes as there was extensive discussion on this point)
- Zoning Board of Appeals approved with the condition that developers could prove their boundaries

It is explained that the applicant is not raising the site by 11', they are raising it to elevation 11. At that level of flooding, it will not affect where water goes, just makes that one small area dry. Mr. Griffin comments that the water will land on pavement, then go out to the North River. Contamination will be remediated and no water will be pushed onto the ball field.

Mr. Griffin clarifies, noting a misunderstanding in the Planning Board process. The Conservation Commission cannot rehash or resolve land disputes. This will benefit wetland resources, as they meet the performance standards under the WPA, and this is what the application should be judged on.

Chair St Louis asks about the content of the Zoning Board of Appeals Application. The three rear buildings exceed the "number of stories" requirement. They are 50' and 5 stories tall including one story for the garage.

Barbara Warren of Salem Sound Coastwatch:

- Re parking garage, there is a catch 22 in that the state building code requires that discharge from the



garage must go to SESD but if garages flood, this sends too much water and causes problems for the rest of the community because there is no sewer outfall to let the sewer drain from. There is no solution at this point

- Would like to examine landscaping more closely; grass will die with salt water from river; all plantings must be salt tolerant
- They will not address contaminated land in that area so now have exposed soil in an area of public use
- Coastal edge: asphalt, concrete there were not permitted, so it is not technically a hardened edge; important to understand how to treat it but just riprap is not the way to go. Vertical riprap further down still sees erosion due to wave action. Salt marsh plants were planned between 2 lines of riprap, but it was never planted due to lack of funding/access
- 11.3-11.5' in flood zone area with climate change is very risky; residents will still be there after developer walks away, who will be responsible for land that will get washed away
- Flood water receding does affect stormwater, Commission should understand how these interact at this site

Chair St. Louis would like to hear from the LSP how Ch. 91 access over contaminated land is considered. ? Clean soil will be brought in, so people will not be exposed to contamination but the Applicant will consult the LSP. The Chair asks about shoreline stabilization. Barnham (the site next door) keeps barges in front of their shoreline; it appears they may have a retaining wall but the barge is anchored as a permanent fixture.

Ricciarelli asks about flood water recession; patterns are outlined and described. The parking lot on the Furlong Park side has some catch basins. Floodwaters will drain towards the river as they recede.

Barbara Warren comments that MEPA will want alternatives so these will have to be done in any case. Storm surges will get worse, and she wonders what happens when waves hit the walls of the buildings. The Applicant states that there is no FEMA velocity zone. Slabs are at elevation 11 so no storm will have water lapping at the buildings. Ms. Warren disagrees. Riprap will be 12", mimicking the size at Furlong Park. Mr. Griffin agrees that water does come onto the property at extreme events, with some "bowl" areas draining into new pipes into the North River. There is a question as to whether the pipes are MS4; they are not connected to the system except for the ones in the street; the Applicant is thus responsible for outfalls. Duckbill valves will be used. Pipe outfall locations are shown; one is 15" and one is 8". Drains required for the garages are described. First Defense is the treatment device; it does work with salt water. Floor drains are required for more than six cars.

Marie Brescia of Essex St. is concerned about sea level rise and climate change preparedness, and feels that this project should not move forward, and that the area should be used as a natural barrier. She is concerned about the scale of the buildings.

Victoria Ricadello of 5 Foster St.:

- Notes that the Applicant claims the lot is 2.33 acres, yet it was listed for sale in 2016 at 1.7 acres, undermining his claim that he owns the disputed strip
- Land space too small for buildings
- Furlong park is at Elevation 7, so is the current Ferris Lot; she asks about elevations and Mr. Griffin outlines the limits of the site above flood waters; buildings plus areas between them are all above the flood zone; safe access off the site is mandated by the Planning Process
- Garages will most likely be open to help with air movement
- Mechanicals will be on the roof
- Feedback is being sought re plantings

A site visit is planned for mid tide, 8AM on Sunday Jan. 6, 2019.

A motion to continue is made by Hoskins, seconded by Sheehan, and passes 6-0.

- D. 140 Bay View Avenue (DEP #64-661) – Public Hearing - Notice of Intent for Rosamond Dennis, 140 Bay View Avenue Realty Trust, 140 Bay View Avenue, Salem, MA 01970. Purpose of hearing is to discuss the proposed repair of a retaining wall and revetment at 140 Bay View Avenue (Map 44, Lot 0114) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Mr. Luke Fabbri, Geological Field Services, presents the project.

- Repair of damage from winter storm Riley in March
- No flooding, but wave action breaking on rocks topped and eroded soil from behind wall
- Existing top of the wall is shown
- Portions of wall will be raised to 14' from 13.1-11.6'. Wooden stairs will be removable in the wintertime so neighbors can continue to walk the wall
- Existing concrete wall between sea wall and house is at 14.2'; portions have been damaged. Changes to buffer wall are described – it will be made higher to 15.5 with one portion at 15'
- Shotcrete is proposed
- Minor holes in face of wall will be filled/repared
- Resource areas are outlined; boulders will be placed in low spots to break energy of the water at the area it funnels
- Elderly homeowner requested an access ramp; this is shown
- Chair St. Louis asks about two VE elevations; it has to do with the way the water comes in with the wave action but is not a flood zone.
- Chair St. Louis asks about the height of the second wall and this is discussed; Chair feels it should be 16' due to velocity zone, this was discussed with the Engineer but Mr. Fabbri does not have explanation handy. Information will be sent. I.e., put tall enough barriers in front of house to remove it from VE zone for FEMA flood insurance purposes. Mr. Fabbri will ask about that and the second VE. Mr. Fabbri will pass along the infographic
- Wave action is described
- Existing drains are outlined and will be maintained
- Additional work is described.
- Darya Mattes points out that the 3<sup>rd</sup> page of photos is of this site
- Work with shotcrete is further described; an excavator will need to be used further back in one section of wall to move boulders; shotcrete does not require trucks
- Work will commence in the spring and this is the only permit needed. Some stones may be placed before the winter as it is too cold to do concrete

Chair St. Louis opens to the public but there are no comments.

A motion to close the public hearing is made by Hoskins, seconded by, and the matter carries.

A motion to issue an Order of Conditions with standard conditions is made by Sheehan, seconded by Hoskins, and passes 6-0

Code, rail, and the fence are discussed. A fence is not desired by anyone but Mr. Fabbri will consult the business Dept.

**E. Carol Way and Loring Hills Avenue – Public Hearing - Request for Determination of Applicability for Cyndy Anselmo at 400 Highland Ave, Suite 11, Salem, MA 01970. Purpose of hearing is to discuss clearing dead, overgrown, and invasive vegetation and make improvements to the path around the pond at Carol Way and Loring Hills Avenue (Map 21, Lot 96) within an area subject to protection under the Wetlands Protection Act MGL c.131§40 and Salem Wetlands Protection & Conservation Ordinance.**

Ms. Anselmo presents her project; she is a manager of the Condo associations with an easement from the Conservation Commission; the Association has the responsibility to maintain the pond area. Arnie, Chairman of the Trustees is present, and Anthony and Nick Barbusi will be doing the work. Norman, manager of the Village at Vinnin Square, is also present.

The pond was created as an amenity to all property owners, renters and the nursing home in the area, however many people forgot about the easement but it controls maintenance or repair. No work has been done in the past 10 years. Invasives have destroyed many birch trees in the area. Some concerns are safety issues, but they can't do anything because of proximity to the wetlands. Freedom Hollow, abutting, has seen significant soil erosion, with 12"-18" of land from numbers 1-98 Freedom Hollow being lost. They did not own that property and did not know this document existed, but it gives permission. Fencing has been destroyed and new in kind split rail fencing and stone dust walkway are proposed.

Chair St. Louis does not oppose removal of deadfall, nor the replacement of fencing, but asks about equipment that will be used to reface path. Additional stone dust could be placed by hand after unloading from a truck on Carol Way. It is noted that residents paid a premium of \$10-\$15K/unit for views of the pond, originally.

Drainage will be created under the path. The fence would not go all the way around; it goes 354' of the 800' path and would remain that way.

Chair St. Louis asks about invasive management. Pruning would be done by hand, possibly chain saw, but mostly loppers and hand cleaning. No clear cutting will be done. The Applicant may remove dead material, but no live trees. They will stay out of the standing water. Addressing erosion issues is a separate item.

The Chair feels creeping juniper or plants with more root base would prevent erosion; this was attempted, and they want to look at eroded area with the Agent. Erosion issues would be a separate application as it may be more intense. The current objective is to prevent further erosion. The cross easement means it would be maintained by all 5 different Associations. One homeowner has lost 5-8' of backyard, so undermining of the buildings is a serious concern. Glode suggests tree revetment for erosion control. The Applicant desires the Board to see the area after it is cleaned up.

*A motion to issue a Negative 2 and Negative 6 Determination is made by Ricciarelli, seconded by Sheehan, and passes 6-0.*

**III. OLD/NEW BUSINESS CONT.**

**A. 45 Traders Way and 40 First Street (DEP #64-327) – request for Certificate of Compliance**

This item is heard after the first one at this address. This is to close out a previous Order of Conditions from

2001 under which work was never completed. Rich Williams, of Williams & Sparages, explains that this came up in the title search for the transfer of ownership; a permit was applied for but work not done. Attorney Grover describes what was proposed as mixed use, similar to this project. The Commission has no comments and there are no public comments either.

*A motion to issue the Certificate of Compliance is made by Sheehan, seconded by Hoskins, and passes 5-0 with Ricciarelli abstaining.*

**B. Palmer Cove Dredge (DEP#64-609) – extension of Order of Conditions**

The Applicant has only just obtained a 91 license so needs the extension to actually do the project. An amendment does not restart the clock.

*A motion to extend the Order of Conditions for three years is made by Sheehan, seconded by Hoskins, and passes 6-0.*

**C. Boston Gas Company (DEP#64-593 and 64-594) – request for Certificates of Compliance**

Mr. David Dimitri of Conico Engineers & Scientist describes the two gas replacement projects, one on Rosendale Avenue, in the pavement, and one on Jefferson Ave, Wheatland & Lawrence St., which was not done within the expected time frame. He does not know if they will be working on it but the Order of Conditions has lapsed so the project must be closed.

*A motion to issue both Certificates is made by Campbell, seconded by Glode, and passes 6-0.*

**IV. APPROVAL OF MINUTES**

**A. Meeting minutes: 10/8/18 and 11/12/18**

*Tabled to next meeting*

**V. ADJOURNMENT**

*A motion to adjourn is made by Scott Sheehan, seconded by Tyler Glode, and passes unanimously.*

The meeting ends at 10:20 PM.

*Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25 and City Ordinance Sections 2-2028 through 2-2033.*

Respectfully submitted,  
Stacy Kilb  
Clerk, Salem Conservation Commission